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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,805	05/24/2001	John C. Seibel	068082.0115	4521
7590	05/26/2005		EXAMINER	
Ann C. Livingston Baker Botts L.L.P. 2001 Ross Avenue, Suite 600 Dallas, TX 75201-2980			CHANNAVAJJALA, SRIRAMA T	
			ART UNIT	PAPER NUMBER
			2166	

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/865,805	SEIBEL ET AL.	
	Examiner	Art Unit	
	Srirama Channavajjala	2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 08 March 2005.

2a) This action is **FINAL**.                                   2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-11 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-11 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 12/6/04/8/23/04; 2/8/2005

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

**Response to Amendment**

1. Examiner acknowledges applicant's amendment filed on 3/8/2005
2. Claims 1-3,7-9 have been amended [3/8/2005].
3. Examiner acknowledges applicant's preliminary amendment filed on 9/26/2001, paper no. # 4.
4. Claims 1-11 are pending in this application.

***Drawings***

5. The drawings are approved by the Draftsperson under 37 CFR 1.84 or 1.152

***Specification***

6. The specification of the disclosure is objected to because at paper no. # 4, page 2, applicant cited several related patent applications serial no. Applicant is hereby required to provide applications serial no.# and updated status in response to this office action.

***Information Disclosure Statement***

7. The information disclosure statement filed on 12/6/2004 [one page], 2/8/2005 [2 pages], 8/23/2004 [3-pages] is in compliance with the provisions of 37 CFR 1.97, and have been considered and a copy is enclosed with this Office Action.

8. The information disclosure statement filed on 9/26/2001, paper no. # 5, 9/26/2003; paper no. # 7, 10/9/2003; paper no. # 8, 1/6/2003, have been considered and a copy was enclosed with this office action, paper no. # 9.

***Priority***

9. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged. based on the provisional application serial number: 60/206,772, filed on 5/24/2000.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knight et al. [hereafter Knight], US Patent No. 6571234 filed on May 11, 1999 in view of Oliview, WO 00/16209, published on 23 March 2000.

11. As to claim 1, Knight teaches a system which including 'a text indexing system [fig 2, element 260] that permits an application service provider to provide [ fig 1A-1B,, col 1, line 64-67], service provider corresponds to internet service provider as detailed in fig 1A-1B; data identifying prospective customers of a product or service provided by a product/service provider' [col 2, line 2-17];

'a data acquisition process for extracting text documents from Internet text sources'[col 9, line 35-37, line 55-60], Knight teaches extraction of information, more specifically library of information ; 'selected from the group of news groups, discussion forums' [col 12, line 39-42,col 14, line 58-62, col 19, line 41-42, col 24, line 44-50],

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news groups, discussion forms corresponds to newsgroups as detailed in col 14,

line 59, col 19, line 41; discussion forms corresponds to chat rooms as detailed in

col 24, line 46;

'wherein the text sources comprise a collection of text documents generated by participants of the text sources and broadcasted to multiple participants of the text sources' [col 9, line 60-67], Knight specifically teaches information is sorted into various categories based on the subject, further the groupings based on subscribers interests that corresponds to multiple participants of the text sources;

'a database for storing the extracted text documents' [col 10, line 1-6, fig 2], Knight specifically teaches posted messages, press releases, news, reports and like from various companies are collected and stored in a database fig 2, element 270 that corresponds to database for storing the extracted text documents;

'a text indexing server for receiving queries from the product/service provider' [col 10, line 19-27, line 44-48, fig 2, element 260], Knight specifically teaches customizing search robots to create logical collection of information, and indexing of information created by the database as detailed in fig 2; 'each query representing a request for information about participants who are prospective customers of the product or service' [col 11, line 43-52], Knight specifically teaches user interface where user may initiate search query based on specific subject matter representing user's search or filter criteria;

'wherein the text indexing server is further operable to perform keyword searches of the database in response to the queries' [col 11, line 53-60], Knight specifically

teaches entries are indexed according to subject matter class or subclass as detailed in fig 2, element 261; 'and to provide the product/service provider with outputs representing a response to the query, each response having a link to at least one document stored in the database that contains contact information for a prospective customer who is discussing the product or service' [ col 12, line 53-60], Knight specifically teaches response to the query including group/subject matters providing further search/retrieval and flexible interface to use;

'a repository for storing the output views' [fig 5], Knight specifically teaches database management as detailed in fig 5;

'a web server for providing access to the text indexing server via web browser and the internet, such that the product/service provider may interface with the text indexing server to make the requests online via the Internet and to receive the outputs generated by the text indexing server' [col 12, line 61-67, col 13, line 14-16, col 21, line 66-67, col 22, line 1-3, fig 3A, fig 5], Knight specifically teaches on line user using Internet browse, also teaches message indexing retrieval system as detailed in fig 5;

'wherein the at least one link enables the product/service provider to access a text document from the database via the web browser' [col 23, line 3-8].

It is however, noted that Knight does not specifically teach ' mailing lists'. On the other hand, Olivier disclosed 'mailing lists' [page 7, line 26-27], mailing list corresponds to Oliver's system database, mailing list, fig 3a, element 316.

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Oliview into managing online message board of Knight et al. because both Knight and Oliview are directed to users for searching information using internet, more specifically, Knight is directed to electronic message board managed by the number of electronic communities and searching specific information of products or services from service provider [see Abstract, col 6, line 60-67], while Oliview is directed to users to exchange group electronic mail by establishing individual user profile and criteria using internet where we server creates an individualized set of web pages for a user from the database [see Abstract, fig 2].

One of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Oliview into managing online message board of Knight et al. because that would have allowed users of Knight to create mailing list database in order to exchange information among electronic communities, more specifically among various news groups based on specific interests or profile criteria bringing the advantages of automatically forming groups in mailing list, individualized or customized email based on recommended business and web sites [page 4, line 7-9], further dynamically matching each user's profile, customized group for each user enabling groups to form automatically as suggested by Oliview [page 4, line 10-14].

12. As to claim 2, 8, Knight disclosed 'at least some of the text files are items of digitally recorded correspondence' [col 22, line 36-44].

13. As to claim 3, 9, Knight disclosed 'at least some of the text files are digital voice records' [col 22, line 42-43].

14. As to claim 4, 10, Olivier disclosed 'data acquisition process is implemented with a web crawler' [page 32, line 27-32].

15. As to claim 5, 11, both Knight and Oliview disclosed 'user profile database, and wherein the mining server further accesses the user profiles database for use in formulating queries' [page 10, line 3-8; Knight: col 26, line 40-45].

16. As to claim 6, Knight disclosed 'data acquisition process further accesses Internet voice to text files' [page 5, line 12-15].

17. As to claim 7, Knight teaches a system which including 'A text indexing method [fig 2, element 260, performed by an information service provider of providing data identifying prospective customers of a product or service provided by the product/service provider' [ fig 1A-1B,, col 1, line 64-67], service provider corresponds to internet service provider as detailed in fig 1A-1B; data identifying prospective customers of a product or service provided by a product/service provider' [col 2, line 2-17];

'identifying source data from at least one Internet text source' [col 9, line 35-37, line 55-60], Knight teaches identifying of information, more specifically library of information over Internet; 'selected from the group of newsgroups, discussion forums' [col 12, line 39-42,col 14, line 58-62, col 19, line 41-42, col 24, line 44-50], news groups, discussion forms corresponds to newsgroups as detailed in col 14, line 59, col 19, line 41; discussion forms corresponds to chat rooms as detailed in col 24, line 46 ;

'wherein the text sources comprise a collection of text documents generated by participants of the text sources and broadcasted among multiple participants of the text sources' [col 9, line 60-67], Knight specifically teaches information is sorted into various categories based on the subject, further the groupings based on subscribers interests that corresponds to multiple participants of the text sources;

'storing the extracted text documents in a first database' [col 10, line 1-6, fig 2], Knight specifically teaches posted messages, press releases, news, reports and like from various companies are collected and stored in a database fig 2, element 270 that corresponds to database for storing the extracted text documents;

'receiving a query from the product/service provider, via a web browser and a text indexing server' [col 9, line 3-7]; 'the query representing a subject of discussion by participants of the text sources who are prospective customers of the product or service' [col 11, line 43-52], Knight specifically teaches user interface where user may initiate search query based on specific subject matter representing user's search or filter criteria;

'using the text mining server to analyze data in the database to satisfy the query'[col 10, line 40-2]; the product/service provider with contact information about the prospective customer and a link to at least one document containing the discussion by the prospective customer' [col 11, line 21-25];

'storing the output views in a second database' [fig 5], Knight specifically teaches database management as detailed in fig 5;

'delivering to the product/service provider, via a web browser, a query response to the product/service provider, the query response containing a description of the text source and a link to the document' [col 23, line 3-8].

It is however, noted that Knight does not specifically teach ' mailing lists'. On the other hand, Olivier disclosed 'mailing lists' [page 7, line 26-27], mailing list corresponds to Oliver's system database, mailing list, fig 3a, element 316.

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Oliview into managing online message board of Knight et al. because both Knight and Oliview are directed to users for searching information using internet, more specifically, Knight is directed to electronic message board managed by the number of electronic communities and searching specific information of products or services from service provider [see Abstract, col 6, line 60-67], while Oliview is directed to users to exchange group electronic mail by establishing individual user profile and criteria using internet where

we server creates an individualized set of web pages for a user from the database [see Abstract, fig 2].

One of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Oliview into managing online message board of Knight et al. because that would have allowed users of Knight to create mailing list database in order to exchange information among electronic communities, more specifically among various news groups based on specific interests or profile criteria bringing the advantages of automatically forming groups in mailing list, individualized or customized email based on recommended business and web sites [page 4, line 7-9], further dynamically matching each user's profile, customized group for each user enabling groups to form automatically as suggested by Oliview [page 4, line 10-14].

***Response to Arguments***

18. Applicant's arguments filed on 8/23/2004, pages 7-8, 3/8/2005, page 6 with respect to claims 1-11 have been fully considered but are moot in view of the new ground(s) of rejection as detailed above..

***Conclusion***

**The prior art made of record**

- a. US Patent No.
- b. WO 00/16209

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srirama Channavajjala whose telephone number is 571-272-4108. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam, Hosain, T, can be reached on (571) 272-3978. The fax phone numbers for the organization where the application or proceeding is assigned is 703/872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sc  
Patent Examiner  
May 4, 2005.

  
SRIRAMA CHANNAVAJJALA  
PRIMARY EXAMINER